

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BONELL ART HOLDINGS, LLC,**

**Plaintiffs,**

VS.

**MOUNT VERNON FIRE INSURANCE  
COMPANY and UNITED STATES ,  
LIABILITY INSURANCE COMPANY  
Defendants.**

[illegible]

**CIVIL ACTION NO.**

**DEFENDANTS, MOUNT VERNON FIRE INSURANCE COMPANY'S AND  
UNITED STATES LIABILITY INSURANCE COMPANY'S NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. Sections 1441 and 1446, Defendants Mount Vernon Fire Insurance Company and United States Liability Insurance Company (collectively “Defendants”) in Cause No. DC-17-2362, pending in the 160th Judicial District Court of Dallas, Texas, files this Notice of Removal from that court to the United States District Court for the Northern District of Texas, Dallas Division, because the proper parties are of diverse citizenship and the amount in controversy requirement is satisfied. In support if this Notice of Removal, Defendants respectfully show:

## I. FACTUAL BACKGROUND

1.1 On February 28, 2017, Plaintiff, Bonell Art Holdings, LLC (“Plaintiff”) filed its Original Petition in the matter styled *Bonell Art Holdings, LLC vs. Mount Vernon Fire Insurance Company and United States Liability Insurance Company*; Cause No. DC-17-02362, in the 160th

Judicial District Court of Dallas County, Texas, in which Plaintiff asserts that Defendants conducted an improper investigation of Plaintiff's claim for damages and wrongfully denied Plaintiff's claim for damage to its property under separate commercial property insurance policies issued by Defendant Mount Vernon Fire Insurance Company ("Mount Vernon") and United States Liability Insurance Company ("USLIC"). In addition, Plaintiff also asserts claims against Defendant under the Texas Deceptive Trade Practices Act and Texas Insurance Code.

1.2 Plaintiff served Defendant, Mount Vernon Fire Insurance Company with the citation and Plaintiff's Original Petition on March 22, 2017 and Defendant, United States Liability Insurance Company with the citation and Plaintiff's Original Petition on March 23, 2017. Defendants file this Notice of Removal within the thirty-day time period required by 28 U. S. C. Section 1446(b). Attached hereto as Exhibit "1" is the Index of State Court Documents. A copy of the Dallas County Clerk's file for this case is attached as Exhibit "2", which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet.

## **II.**

### **BASIS FOR REMOVAL**

2.1 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

#### **A. THE PARTIES ARE OF DIVERSE CITIZENSHIP**

2.2 Upon information and belief, and based on the allegations set forth in Plaintiff's Original Petition, Plaintiff, Bonell Art Holdings, LLC is a Texas Limited Liability Company with its principal place of business in the State of Texas. *See* Plaintiffs' Original Petition at p.1.

2.3 Defendant Mount Vernon Fire Insurance Company ("Mount Vernon") is a Pennsylvania company with its principal place of business in Pennsylvania, and is a citizen of the

State of Pennsylvania for diversity purposes. Accordingly, Defendant Mount Vernon is of diverse citizenship to Plaintiff, Bonell Art Holdings, LLC.

2.4 Defendant United States Liability Insurance Company (“USLIC”) is an insurance business corporation with its principal place of business in Pennsylvania, and is a citizen of the State of Pennsylvania for diversity purposes. Accordingly, Defendant USLIC is of diverse citizenship to Plaintiff, Bonell Art Holdings, LLC.

**B. THE AMOUNT IN CONTROVERSY EXCEEDS THE JURISDICTIONAL REQUIREMENTS FOR SUBJECT MATTER JURISDICTION.**

2.5 The amount in controversy requirement for Federal diversity jurisdiction is clearly satisfied in this case as evidenced by Plaintiff’s Original Petition in which Plaintiff expressly alleges that it “seeks only monetary relief in excess of \$100,000.00.” *See* Original Petition at page 1. This amount clearly exceeds the jurisdictional requirements for subject matter jurisdiction, and demonstrates that the amount in controversy requirement is satisfied.

**III.**

**THE REMOVAL IS PROCEDURALLY CORRECT**

3.1 Defendant, Mount Vernon was first served with Plaintiffs’ Original Petition and process on March 22, 2017 and Defendant, USLI was first served with Plaintiffs’ Original Petition on March 23, 2017. Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b).

3.2 Venue is proper in this District under 28 U.S.C. §1446(a) because this District includes the county in which the state action has been pending. Defendants intend to file a Motion to Transfer Venue to the Fort Worth Division pursuant to 28 U.S.C. §1404(a) because, among other considerations, the property at issue is located in Tarrant County and a substantial part of the events giving rise to Plaintiff’s claim occurred in Tarrant County.

3.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

3.4 Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice, written notice of the filing will be given to Plaintiff, the adverse party.

3.5 Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Dallas County District Court, promptly after Defendants file this Notice.

**IV.**  
**DOCUMENTS AND EXHIBITS ACCOMPANYING REMOVAL**

4.1 Simultaneously with the filing of this Notice of Removal, attached hereto as Exhibit “1” is an index of all documents filed in the state court action and a copy of each document.

4.2 Attached hereto as Exhibit “2” is a copy of the Docket Sheet/Case Summary of the case pending in 160th Judicial District Court of Dallas County, Texas.

4.2A Attached hereto as Exhibit “2A” is a copy of Plaintiff’s Original Petition.

4.2B Attached hereto as Exhibit “2B” is a copy of the Civil Case Information Sheet,

4.2C Attached hereto as Exhibit “2C” is a copy of the Jury Demand.

4.2D Attached hereto as Exhibit “2D” is a copy of the Citation issued to United States Liability Insurance Company.

4.2E Attached hereto as Exhibit “2E” is a copy of the Citation issued to Mount Vernon Fire Insurance Company.

4.2F Attached hereto as Exhibit “2F” is a copy of the letter from the Texas Department of Insurance returning the Citation issued to Mount Vernon Fire Insurance Company for failure to include mailing address of Mount Vernon Fire Insurance Company.

4.2G Attached hereto as “Exhibit “2G” is a copy of Citation issued to Defendant, Mount Vernon Fire Insurance Company for failure to include Defendant’s mailing address.

4.2H Attached hereto as “Exhibit “2H” is a copy of the Citation issued to Defendant, United States Liability Insurance Company with Affidavit of Service showing personal service on registered agent for Defendant on March 23, 2017.

4.2I Attached hereto as Exhibit “2I” is a copy the letter from Patrick Connell McGinnis requesting re-issuance of Citation to Defendant, Mount Vernon Fire Insurance Company.

4.2J Attached hereto as Exhibit “2J” is a copy of Citation re-issued to Defendant, Mount Vernon Fire Insurance Company.

**V.**  
**CONCLUSION**

5.1 Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendants, Mount Vernon Fire Insurance Company and United States Liability Insurance Company hereby remove this case to this court for further proceedings.

Respectfully Submitted,

/s/Daniel P. Buechler

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**ATTORNEYS FOR DEFENDANTS  
MOUNT VERNON FIRE INSURANCE  
COMPANY AND UNITED STATES  
LIABILITY INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2016, I served the following document on counsel via electronic notice and/or facsimile:

Patrick Connell McGinnis  
MERLIN LAW GROUP  
515 Post Oak Blvd., Suite 750  
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***ATTORNEY FOR PLAINTIFF***

/s/Daniel P. Buechler

Daniel P. Buechler